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# HOUSE BILL No. 1643

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-3.

**Synopsis:** Child molesting. Makes child molesting involving fondling a Class B felony (instead of a Class C felony).

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1643

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-42-4-3 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A person who,  
3 with a child under fourteen (14) years of age, performs or submits to  
4 sexual intercourse or deviate sexual conduct commits child molesting,  
5 a Class B felony. However, the offense is a Class A felony if:

6 (1) it is committed by a person at least twenty-one (21) years of  
7 age;

8 (2) it is committed by using or threatening the use of deadly force  
9 or while armed with a deadly weapon;

10 (3) it results in serious bodily injury; or

11 (4) the commission of the offense is facilitated by furnishing the  
12 victim, without the victim's knowledge, with a drug (as defined in  
13 IC 16-42-19-2(1)) or a controlled substance (as defined in  
14 IC 35-48-1-9) or knowing that the victim was furnished with the  
15 drug or controlled substance without the victim's knowledge.

16 (b) A person who, with a child under fourteen (14) years of age,  
17 performs or submits to any fondling or touching, of either the child or

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IN 1643—LS 6416/DI 106+



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1 the older person, with intent to arouse or to satisfy the sexual desires of  
2 either the child or the older person, commits child molesting, a ~~Class~~  
3 **Class B** felony. However, the offense is a Class A felony if:

4 (1) it is committed by using or threatening the use of deadly force;

5 (2) it is committed while armed with a deadly weapon; or

6 (3) the commission of the offense is facilitated by furnishing the  
7 victim, without the victim's knowledge, with a drug (as defined in  
8 IC 16-42-19-2(1)) or a controlled substance (as defined in  
9 IC 35-48-1-9) or knowing that the victim was furnished with the  
10 drug or controlled substance without the victim's knowledge.

11 (c) It is a defense that the accused person reasonably believed that  
12 the child was sixteen (16) years of age or older at the time of the  
13 conduct.

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